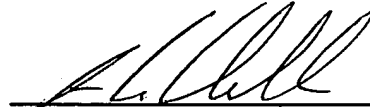


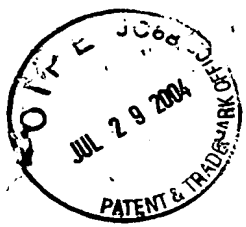
For the foregoing reasons, it is believed that sufficient basis has been established for filing this application absent Mr. Brian Lee's signature. Accordingly, granting of this Petition under 37 C.F.R. § 1.47(a) is respectfully requested.

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/INFN/0037 the fee of \$130.00 as required by 37 C.F.R. § 1.17(h) in accordance with 37 C.F.R. § 1.47(a).

Respectfully submitted,



Gero G. McClellan
Registration No. 44,227
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, Texas 77056-6582
Telephone: (713) 623-4844
Facsimile: (713) 634-4846



**STATEMENT OF PERTINENT FACTS AND
SUPPORTING DOCUMENTS UNDER 37 C.F.R. § 1.47(a)**

On April 14, according to our office's usual practice, I sent the Assignment and Declaration forms to the inventors Mr. Till Schlösser and Mr. Brian Lee. The address on file for Mr. Lee was

Holland Village, Building C30
19th Floor 19F-2, No. 175-9
Hsinchu
Taiwan, R.O.C

I sent the documents to Mr. Lee via DHL courier. On April 20, however, our office was contacted by the DHL freight service, explaining that their Taiwanese colleagues were unable to find Mr. Lee at the given address. Therefore, I instructed DHL to destroy the documents. (Exhibit A)

I then tried to send Mr. Lee an e-mail, using the last known e-mail address we had on file. This e-mail was returned with a "Failed Delivery" Notice. (See Exhibit B).

Moreover, I got in touch with our contact at Infineon Technologies AG responsible for administrating the addresses of the inventors. This contact gave me an address of Mr. Lee in New York. However, this address was already known to us from an older case and had in the meantime proved to be wrong. Also, our contact at Infineon Technologies AG informed me that, since Mr. Lee was no longer employed with Infineon, it would be difficult to find him, but promised me to try again and also to contact the co-inventor, Mr. Schlösser, to ask him whether he had any contact information.

In the meantime, I located the address of a Taiwanese firm (ProMOS Technologies Inc.), where Mr. Lee – according to our last information – was employed. Since we had the fax number of this company in our files, I sent a fax asking Mr. Lee to contact us if he was still there. However, there was no response from this fax number (See Exhibit C – Status: "Keine Antwort" = No Response).

On May 5, 2004, I again called our contact at Infineon Technologies AG to ask if they had any results. Our usual contact was on holiday, however, her colleague was able to provide me with the last known telephone number of Mr. Lee. When trying the phone number, I merely got an answering machine in Taiwanese and left a message in English after the tone. To date, there has been no reply.

The last course of action I took was to phone International Inquiries, trying to locate ProMOS Technologies. Since Brian Lee is rather a common name, I thought that the chances of locating him were better via the company he worked with. However, the person I spoke to at International Inquiries was not able to provide me with a current telephone number of ProMOS Technologies Inc.

Respectfully submitted,



Stephanie Pilzweger

Wilhelm & Beck

Patentanwälte

European Patent Attorneys

NYMPHENBURGER STR. 139

80636 MÜNCHEN

TEL: 089 / 12 11 47-3

FAX: 089 / 12 11 47-35

E-MAIL: mail@wilbeck.de

Attorney for Applicant(s)